

Statement of John Conyers, Jr.
Introduction of End Racial Profiling Act of 2001
June 6, 2001

I am pleased to announce that today we are introducing bipartisan legislation in the House and the Senate designed to end racial profiling.

Both the President and the Attorney General have said that we need federal legislation and that the practice of racial profiling should be prohibited. This bill does that and we're anxious to work with the Administration to make this happen.

Racial profiling not only undermines constitutional rights, but also undermines the trust on which law enforcement depends.

Since I first introduced racial profiling legislation in the 105th Congress, the pervasive nature of racial profiling has gone from anecdote and theory to well documented fact.

Data collected from New Jersey, Maryland, Texas, Pennsylvania, Florida, Illinois, Ohio, New York, and Massachusetts show beyond a shadow of a doubt that African Americans and Latinos are being stopped for routine traffic violations far in excess of their share of the population or even the rate at which such populations are accused of criminal conduct.

A recent Justice Department report found that although African-Americans and Hispanics are more likely to be stopped and searched by law enforcement, they are much less likely to be found in possession of contraband.

Racial profiling is a double barreled assault on our social fabric. Nearly every single young African American male has been subjected to it or has a family member or close friend who has. The message it sends to young African Americans and others, then, is that the criminal justice system, and therefore the system at large, belittles the worth of young African Americans, that message and its impact sticks.

Secondly, and relatedly, it causes a breakdown of trust on which community policing depends. And unless that trust is built, deep seated, nurtured, then the police can't do the job of protecting our communities, a job we all want the police to do.

Our legislation first provides a prohibition on racial profiling, enforceable by injunctive relief.

Second, we condition federal law enforcement and other monies that go to state and local governments on their adoption of policies that prohibit racial profiling and which are enforceable.

Third, we provide the state and local police with grant money they have told us they need to train and modernize the police. Finally, we provide for periodic reports by the Attorney General to assess the nature of any ongoing racial profiling.

I was able to get a sneak preview at the basis of criticism by those that oppose the bill. Claims that this legislation will not meet constitutional muster are nonsensical: the federal government clearly has power to prohibit this type of discrimination – it's amply precedented in the body of federal civil rights law. Further, the Supreme Court has endorsed the conditional funding scheme we use for state and local governments.

Second, the disparate impact standard that is used is modeled on Title VII of the Civil Rights Act that has bipartisan support. It is limited in that it allows for a respondent to rebut disparate impact data, and is further limited by the fact that the only remedy is injunctive relief. Arguments against the bill in this regard are canards.

Both the President and Attorney General have called for a ban on this practice. There is near unanimous agreement on all sides of the political spectrum that it should be ended. The time has come to pass this bill.